

### **REMARKS**

By this amendment, claims 4 and 10 are canceled. Claims 1-3 and 5-9 have been amended. Claims 11-13 have been added. Claims 1-3, 5-9 and 11-13 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, is respectfully requested.

#### **Objection to the Specification**

The Abstract was objected to as being too long. As presented herein, the abstract has been replaced with a shorter version. Accordingly, objection to the abstract is now believed overcome.

With respect to headings suggested by the Office Action, Applicant respectfully declines to add the headings, as they are not required in accordance with MPEP §608.01(a). Objection to the specification is now believed overcome.

#### **Rejection under 35 U.S.C. §112**

Claim 2 was rejected as being unclear. As presented herein, claim 2 has been amended to remove from the claim the phrase "in particular" and the limitations following that phrase. Accordingly, the rejection of claim 2 is now believed overcome.

Claims 5 and 7-8 were rejected as being indefinite because of the phrase "and/or". By this amendment, claims 5 and 7-8 have been amended to remove the phrase "and/or" from the respective claims. Accordingly, the rejection of claims 5 and 7-8 is now believed overcome.

Claims 7-8 were further rejected as being indefinite because of the term "preferably". By this amendment, claims 7-8 have been amended to remove from the respective claims the term "preferably" and the limitations following that term. Accordingly, the rejection of claims 5 and 7-8 is now believed overcome.

### **Rejection under 35 U.S.C. §102**

Claims 1-3 and 5-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Kamada et al. (U.S. Patent 5,444,791, hereinafter "**Kamada**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, as now more clearly presented, to sustain this rejection the **Kamada** reference must contain all of the above claimed elements of the claim. However, as is now presented herein, and contrary to the examiner's position that all elements are disclosed in the **Kamada** reference, the latter reference does not disclose "specifying *randomly* a spatial reference position ( $Q_0$ ) for the feature point ( $Q$ ) on which subsequently all the *projection photographs* are to be aligned ... calculating *transformations* ( $\Sigma_n, \sigma_n$ ) of the *object space* and of the *projection photographs* ... wherein the *projection* of the transformed reference position *coincides with* a respective *transformed image* of the feature point ... and *reconstructing* the object *three-dimensionally* from the stored two-dimensional *projection photographs* using the *calculated transformations*" (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Kamada** reference and should be withdrawn. Support for the amendments to claim 1 can be found in the specification at least on page 3, lines 10-11; page 4, lines 30-31; page 7, lines 33-34; page 8, line 1; page 9, lines 7-8 and 27-31; and page 11, lines 18-21.

In contrast, the **Kamada** reference relates to a moving body recognition apparatus which recognizes a shape and movement of an object moving in relation to an image input unit by extracting feature points, e.g., a peak of the object and a boundary of color, each in said images captured at a plurality of instants in time for observation by the image input unit (emphasis added, see Kamada, Abstract). In one embodiment, three feature points of an object forms a right angle. In such a case, the positions and movements of feature points are *calculated* from the known position data

at three feature points at two instants in time for observation (emphasis added, see Kamada, column 23, lines 61-65). Furthermore, "to observe the condition that edges form a right angle, *three* feature points are *necessary* [and to allow the shape of a moving body to be determined] ... *three* feature points and two images are *necessary* conditions." (See Kamada, column 24, lines 22-26). However, the **Kamada** reference cannot reasonably be interpreted to disclose the "specifying *randomly* a spatial reference position ( $Q_0$ ) for the feature point ( $Q$ ) on which subsequently all the *projection photographs* are to be aligned ... calculating *transformations* ( $\Sigma_n, \sigma_n$ ) of the *object space* and of the *projection photographs* ... wherein the *projection* of the transformed reference position *coincides with* a respective *transformed image* of the feature point ... and *reconstructing* the object *three-dimensionally* from the stored two-dimensional *projection photographs* using the *calculated transformations*" as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Claims 2-3 and 5-8 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 9 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 9 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

#### **New Claims 11-13**

New claims 11-13 have been added to provide for more complete claim coverage of the embodiments of the present application. Claims 11-13 are drawn from original claims 2, 7 and 8, respectively. Claims 11-13 depend from and further limit allowable independent claim 1, and therefore are also allowable.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of August 12, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Issuance of an early formal notice of allowance of claims 1-3, 5-9 and 11-13 is requested.

Respectfully submitted,

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